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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 CHRISTOPHER LOWRY,

12 Plaintiff,

13 vs.

14 DIXON, et al.,

15 Defendants.  
16

Case No. 3:20-cv-00100-MMD-WGC

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME TO  
FILE SETTLEMENT STIPULATION AND  
PROPOSED ORDER FOR DISMISSAL  
FIRST REQUEST**

17 Defendants, Justin Dixon, Elkenberry and Shore by and through counsel, Aaron D. Ford, Attorney  
18 General of the State of Nevada, and Nathan C. Holland, Deputy Attorney General, request this Court grant  
19 an extension of time to file a Stipulation and Proposed Order regarding the Complaint filed November  
20 13, 2020.

21 **I. INTRODUCTION,**

22 Defendants respectfully request an extension of time of 30 days to file a Stipulation and Proposed  
23 Order for Dismissal from the current deadline of **May 6, 2021**, to **June 6, 2021**. Excusable neglect  
24 supports granting this extension because: (1) Lowry refuses to sign the Stipulation and Order, despite  
25 agreeing to do so at the Early Medication Conference (2) The Attorney General's Office (OAG) was not  
26 made aware of this fact until May 3, 2021.

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1 **II. BACKGROUND**

2 On April 6, 2020, at the Early Mediation Conference, the parties agreed to a settlement. On April 22,  
3 2021, the OAG mailed out the Settlement Agreement and the Stipulation and Order to Lowry. Defense  
4 counsel received a letter from Lowry on May 3, 2021, stating that he does not agree with some of the  
5 clauses in the settlement agreement, and requested a telephonic conference with defense counsel. The  
6 Attorney General's office scheduled a telephonic conference with Lowry for May 7, 2021. As the  
7 Stipulation and Order is due on May 6, 2021, defense counsel requires more time to meet with Lowry and  
8 establish agreed upon terms for the Settlement Agreement.

9 During the scheduled telephonic conference, defense counsel will discuss the proposed Settlement  
10 Agreement with Plaintiff in an attempt to conclude this matter as it was agreed to during the early  
11 mediation conference. Assuming all remains as agreed to, counsel will effectuate the necessary steps to  
12 complete resolution and dismissal of the instant case. However, should Plaintiff no longer agree to the  
13 parties' settlement, counsel will move this Court to enforce the settlement agreement.

14 **III. LEGAL ARGUMENT**

15 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

16 When an act may or must be done within a specified time, the court may,  
17 for good cause, extend the time: (A) with or without motion or notice if  
18 the court acts, or if a request is made, before the original time or its  
19 extension expires; or (B) on motion made after the time has expired if the  
20 party failed to act because of excusable neglect.

21 Good cause exists to supports an extension in this matter for at least four specific reasons.

22 **First**, Defendants have acted in good faith throughout this litigation. Defendants attended the  
23 Early Mediation Conference and negotiated the settlement agreement. Defendant has promptly  
24 responded to every motion and statement required. Defendants cannot meet this deadline because the  
25 communication between Lowry and defense counsel takes longer than the allotted time, despite  
26 counsel's best efforts. Thus, Defendants are acting in good faith.

27 **Second**, the moving party has exercised due diligence. Defendants have met with Lowry,  
28 determined the most important resolutions to this matter and successfully negotiated the case. Further,  
once counsel was aware that Lowry was unwilling to sign the Settlement Agreement as is, counsel

1 immediately scheduled a teleconference with Lowry. Accordingly, Defendants have demonstrated due  
2 diligence.

3 **Third**, there is a reasonable basis for non-compliance. Specifically, the timing required to mail  
4 the Settlement Agreement to Lowry; the time it took Lowry to mail his objections to the Settlement  
5 Agreement; and the time to took to schedule a telephonic conference with Lowry took longer than the  
6 allotted thirty-days.

7 **Fourth**, Lowry will not be prejudiced by the extension. An extension in this matter should result  
8 in this case being settled according to the agreement reached during the Early Mediation Conference.  
9 Should this Court grant an extension, the parties will be permitted to settle their differences via the  
10 scheduled telephonic conference.

11 **IV. CONCLUSION**

12 For these reasons, Defendants respectfully request a 30-day extension of time from the current  
13 deadline of **May 6, 2021 to June 6, 2021** to file a Stipulation and Proposed Order or, alternatively, to  
14 move this Court to enforce the settlement agreement, with a new deadline up to and including **June 6,**  
15 **2021.**

16 DATED this 6th day of May, 2021.

17 AARON D. FORD  
18 Attorney General

19 By: /s/Nathan C. Holland  
20 NATHAN C. HOLLAND, Bar No. 15247  
21 Deputy Attorney General  
State of Nevada

22 IT IS SO ORDERED.

23 DATED: May 7, 2021.

24 William G. Cobb  
25 UNITED STATES MAGISTRATE JUDGE  
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